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

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Does one size fit all? Place-neutral national planning policy in England and its impact on housing land supplies and local development plans in North East England

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Abstract

This article examines the impact of the National Planning Policy Framework's requirement that all local planning authorities in England should strive to achieve a robust supply of housing land to satisfy demand for housing development for a minimum of five years. Conceptually the paper challenges the orthodox *place-neutral* view propounded by UK central government (and many major housing developers) that a bottleneck in land supply caused by deficiencies in the local (plan-led) planning system is the central barrier to unblocking housing supply in *all* parts of the country. Theoretically, we contend that the five-year land supply requirement within the National Planning Policy Framework is an example of a spatially place-neutral policy approach that does not comprehend the place-based nuances in local and regional land and housing markets in England. Empirically, it explores a case study of all 12 local planning authorities in the North East of England, to question whether a uniform (*one size fits all*) approach to identifying a five-year supply of land for housing development across England is effectual. Analysis of empirical data validates concerns that in some peripheral localities, other variables constrain housing deliverability more significantly than land supply, issues such as limited mortgage and development finance, an abundance of brownfield land, negative place-based stigma and development viability concern. The research concludes that centrally defined, inflexible, place-neutral planning policy is a significant impairment to some local planning authorities in the North of England achieving up-to-date local plans.

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brownfield, England, housing, localism, place-neutral, planning

Introduction

The central assertion of this article is that the UK Government's approach to allocating land for housing development in England,¹ which is codified within the National Planning Policy Framework (NPPF) is flawed, and misguided in its 'place neutral' and spatially blind approach of requiring all local planning authorities (LPAs) to provide rolling five-year housing land supplies, regardless of the prevailing housing market conditions. The place-neutral approach to facilitating housing development currently pursued in England is markedly out of line with other Western European approaches (Hildreth and Bailey, 2014: 368). The lack of place-based (spatial) sensitivity in the English planning system appears to be attributable to a myopic central government response to the 'housing crisis', which is unwavering in its desire to accelerate land supply in dynamic housing markets in southern England, where pressure on land, problems of housing affordability and opposition to development are intense. Our research investigates whether the 'one size fits all' requirement for LPAs to identify a five-year supply of housing land² is an efficacious approach for the prevailing and variegated housing market conditions in England, specifically post-industrial areas of North East England. Our central contention is that, in parts of post-industrial England, LPAs are finding it increasingly difficult to develop robust five-year land supplies due to structural economic issues relating to development viability (particularly of brownfield³ sites), place-based stigma and the *deliverability* of land rather than the *availability* of land.

The primary empirical objectives of this paper are as follows:

- To explore the factors which are hindering some LPAs in less dynamic housing market areas in their quest to achieve robust five-year land supplies;
- To ascertain whether difficulties around achieving a robust five-year land supply are having a knock on impact on some LPA's ability to achieve an up-to-date local (development) plan?
- To question which factors, other than land supply issues, are impacting upon housing delivery in peripheral former industrial economic areas of England (e.g. North East England).

Conceptually this paper will highlight how the *place-neutral* approach of requiring all LPAs to attempt to develop and maintain rolling five-year housing land supplies is creating spatially variegated outcomes across England. Fundamentally, the policy implication if LPAs cannot demonstrate a viable five-year supply is that the local state (LPA) loses its ability to retain control over the determination of development proposals within its jurisdiction, eroding a central pillar of the English 'plan-led' planning system. Where an authority cannot prove a robust five-year supply, their local plan is deemed 'absent' or 'out of date' in such circumstances, the Government can direct that planning applications should be assessed upon central government's NPPF 'presumption in favour of sustainable development' (DCLG, 2012), which represents a much less rigorous approach than local determination of a development application. Hinks and Baker (2013) support this

view stating that both the NPPF and the National Housing Strategy are essentially *aspatial* in nature and are heavily focused on incentivising development in priority spatial areas (e.g. London and the South East), underscoring the central assertion of this article, that planning is not the problem in many peripheral post-industrial communities (e.g. Northern England). Centralised, place-neutral planning policies, such as the requirement to provide a five-year land supply, are a *blunt* tool when contending with variegated structural conditions that often characterise less dynamic housing markets outside London and the wider South East of England. **[AQ1]** A submission to the Lyons Housing Review (2015: 58) from major cities outside London further substantiates this point:

The uniform, aspatial, guidance provided by the NPPF is found not sufficiently robust to address different demographic and market conditions between different areas of the country and there is a sense that it is largely driven by a focus on London and the South East.

Centralising measures infused into the planning system

Over the last decade, central government in England has progressively incorporated centralising measures into national planning policy to counter a perceived reluctance towards development from some localities (particularly shire county authorities in Southern England, Bramley and Watkins, 2014). Central government policy relating to housing and planning has been framed with a myopic focus on the burgeoning housing markets of London and the South East of England. The recent Housing White Paper (DCLG, 2017) outlines the Government's analysis of

the causes of the UK housing crisis, as threefold: '...not enough local authorities *planning* for the homes they need; house building that is simply too slow; and a construction industry that is too reliant on a small number of big players' (DCLG, 2017: 9).

Centralising reform of the English planned planning system continues under the new Conservative administration, with the impending adoption of a zonal planning approach of implied consent for housing development on the majority of brownfield sites throughout England. The *new zonal system* for brownfield sites was outlined in the HM Treasury (2015: 45) paper *Fixing the Foundations*, it states, '...this will give England a 'zonal' system, like those seen in many other countries, reducing unnecessary delay and uncertainty for brownfield development'.

The approach of placing LPAs in 'special measures' for a variety of planning performance issues (e.g. failing to develop and up-to-date local plan, being too slow in determining planning applications and failing in the Duty to Co-operate) are all examples of the erosion of the ethos of the plan-led system and enable developers to circumvent the discretionary (and localist) nature of the current system, by effectively seeking planning approval for development directly from central government (via the Planning Inspectorate).

This systematic tightening of central government's grip on the levers of planning is symptomatic of ministers' frustrations with the perceived sluggishness of the planning system and exasperation with housing outputs. Thus, whilst successive governments have espoused localism, in actuality, national planning reform has comprised a series of centralising measures:

1. The addition of 'penalty' buffers to five-year land supply targets for LPAs

deemed to exhibit poor prior performance on housing provision

2. The target to move to Planning in Principle (a zonal system) for 90% of brownfield sites by 2020
3. The proposal to remove the responsibility to write a local plan from LPAs that do not have an NPPF compliant local plan⁴
4. Significant changes to Permitted Development (e.g. permanent changes facilitating some offices to residential conversion)
5. The proposed new power for ministers to order LPAs to prepare joint local plans; where The Secretary of State considers, it will lead to more effective planning and utilisation of land

Consequently, the five-year supply requirement in the NPPF can penalise peripheral post-industrial areas like large parts of the North of England, by requiring them to strive to achieve unattainably high levels of housing land supply.

The theoretical perspective for this article is the concept of place neutral, or spatially blind, planning policies, a prevailing condition defined by Barca et al. (2012: 137) as when:

..., the same solutions tended to be applied to similar problems in different places, without any real consideration of the specifics of the wider regional and local context. In an era of increasing globalization **place is more, rather than less significant.**

Barca et al. (2012) [AQ2] go on to substantiate the view that space-neutral policies will always have *variegated* spatial effects, many of which will undermine the aims of the policy itself unless its spatial effects are explicitly taken into consideration. Hildreth and Bailey (2014: 364) note that UK central government has been guilty of disingenuity by utilising the rhetoric

of place-based policy even when its policies and economic rationale might not come close to fitting this definition. Hildreth and Bailey (2014) go on to identify two fundamental weaknesses in central state policymaking from a place-based epistemological stance:

1. The national (spatial scale) has a tendency to lack both an understanding and knowledge of local places.
2. The national (spatial scale) is prone to the policymaking influences of 'capital city elites'...over other sub-national spaces [AQ3]

Achieving a five-year housing land supply

The Labour Government's Planning Policy Statement 3 original requirement for LPAs to achieve a five-year housing land supply was modified by the incoming Coalition Government; NPPF (DCLG, 2012), paragraph 47 states, that, in order to significantly increase housing supply, LPAs should: 'Identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements'.

The NPPF requirement of a five-year housing land supply, and the associated penalty buffers, represent place-neutral policies that exhibit both of the central flaws outlined by Hildreth and Bailey, failing to reflect wide variation of demand for housing across England.

The main modification to the five-year supply requirement in the NPPF was the addition of penalty buffers to penalise poor historic output in terms of housing delivery. This modification has *raised the bar* and proven extremely challenging for many LPAs that were already struggling to achieve a five-year supply. The NPPF gives broad guidance to LPAs about forecasting

new housing supply. It stipulates that *more* land should be allocated for housing than was required under previous guidance and where there has been a record of persistent under delivery the buffer should increase to 20%. Our research illustrates that the introduction of the additional penalty buffers has been a *considerable barrier* for the majority of LPAs in the less dynamic housing markets of the north; with one respondent describing, ‘...a constant process of chasing your tail’ (Planner, North East England).

Achieving a robust five-year housing land supply is a central part of the evidence base for achieving the adoption of an up-to-date local (development) plan. Since the introduction of the NPPF in 2012, adoption of local plans nationally has been painfully slow despite LPAs having been presented with an ultimatum to adopt plans synchronised with the NPPF or face central government intervention. The recent Housing White Paper (DCLG, 2017: 13) states that over 40% of LPAs still do not have a local plan that meets the projected growth in households in their area. The White Paper goes on to state, ‘At present too few places have an up-to-date plan:..., despite having had over twelve years to do so; and only a third of authorities had adopted a plan since the National Planning Policy Framework was published [in 2012]’.

Our research contends that in reality, due to legal and appeal decisions challenging the validity of five-year supplies, the *real* level of robust local plans is likely to be much lower; with some sources suggesting only circa 25% of LPAs have defensible local plans (TCPA, 2015). **[AQ4]** Recent Savills (2017) research substantiates this view, noting in 2017, that nearly one in five English LPAs had their five-year supply successfully challenged by developers at appeal.

Methodology

The research comprised two distinct phases:

1. a comprehensive desk-based survey and analysis of academic and policy documents, relating to the level of compliance of local authorities across England, with the Government’s requirement to provide a five-year housing land supply
2. empirical study of how the 12 LPAs in the North East of England were responding to the requirement and wider aspirations for housing land supply and development viability.

The empirical research comprised semi-structured elite interviews with senior planners⁵ in all 12 LPAs in the North East of England, triangulated with data from a sample of semi-structured interviews with land managers working for national and regional housing developers operating across the North of England. The data generated by the interviews were analysed using a coding framework to highlight themes and trends in the responses. The primary data substantiate the view that a uniform policy to allocate land for housing across England generates spatially variegated (and unintended outcomes) particularly in post-industrial areas of England that contain surplus brownfield land, negative place-based stigma, low market values and significant issues relating to development viability.

Is planning the problem?

Kate Barker (2004)⁶ was tasked on behalf of HM Treasury with undertaking a review of the housing market. The central findings of Barker’s Review emphasised the need for the supply of land to keep pace with local demand to temper affordability problems and price rises. Cheshire et al. (2014) contend that by restricting the supply of

housing space in the UK, the functioning of the English planning system (primarily at the local level) has contributed to increasing inelasticity of housing supply, echoing, a central finding of the Barker Review (2004) and aligning with the view reported in The Callcutt Review (2007: 32) that the development industry feel, 'the planning system releases too little land, and its release is slow and unpredictable'. Conversely, Sharp (2017) adds weight to the thesis that the planning system is not the problem by observing that the impact of the demise of housing development by the public sector (over the past 30 years) far outweighs any problems within the planning system as an explanation of the English housing crisis. Significantly, the public sector has not been a major housing developer in England for the past four decades, which has coincided with a historical slump in housing provision; supply being dependent on a small number of private sector volume housebuilders.

Fundamentally, Barker's review stated that over a sustained period, housing supply has been unresponsive to pricing signals and that in large part this reflected constraints embedded in the planning system (Belfield et al., 2015). Post-Barker Review, governmental pressure intensified on planning with a neoliberal orthodoxy emanating from Whitehall, echoing Barker's central finding, that planning (primarily at the local authority level) was a significant bureaucratic obstruction to housing development by ultimately constraining land supply. From an international perspective, Cheshire et al. (2014: 81) contextualise this critique by describing a system in which development is constrained by regulatory uncertainty, 'the British experience ... provides some idea of what the future might hold for other countries as planning systems becoming increasingly restrictive'. The populist suggestion that planning (and in particular local authority planners) are anti-growth, fails to comprehend the

complex interaction of prevailing 'place-based' factors that will influence how localities (and local authority planners) may best plan for development and delivery of a robust long-term housing supply. In the following sections, we briefly consider significant facets of the UK housing crisis.

A wider problem than planning?

The Government has recently toned down its rhetoric towards planning (and the planning profession) with the former Planning and Housing Minister (Gavin Barwell), stating, 'I don't think the planning system is the *sole* problem ... Last year, a record number of planning permissions were granted, but that didn't translate into a record number of homes being built...'⁷

The Housing White Paper (DCLG, 2017) also acknowledges that local/regional housing markets exhibit some place-specific characteristics. Additionally, in the Autumn Budget (House of Commons Select Committee, Treasury Committee, 2017) the Government announced former minister, Oliver Letwin will conduct a review of build out rates of existing planning permissions. However, despite the softening of the Government's rhetoric, Whitehall is still actively implementing *place-neutral* national planning policies towards the provision of land supply for housing (via the NPPF), which imply every LPA across the country needs to be incentivised to adopt a positive development stance. This uniform approach does not appear to be based on compelling evidence and is paradoxical to the explicit 'bottom-up' localism approach that the Government espouses in terms of its overarching ethos for governing.

By definition, the place-neutral approach pursued by central government within the NPPF lacks a nuanced view of the actual individual stances of LPAs (cities, city-regions and rural counties) across England towards development. 'Negative planning'

stances are frequently driven by political realities in localities where a vocal majority of the local electorate are vehemently opposed to new development (Gallent et al., 2013). Bramley and Watkins (2014: 877) expand the critique of the Government's place-neutral approach to planning for housing, by illustrating that LPAs across England exhibit significant spatial variations in their approach to development,

...areas with more positive planning stances for new housing are a mixture of urban areas, particularly older industrial conurbations in the North and Midlands, and sparsely populated rural and agrarian regions ... Areas with a more negative stance comprise a solid belt of London suburbs and surrounding areas (much of which contain Green Belt) extending to the south coast and westward to the Welsh border...

Significantly, most of the areas identified with a 'negative planning' stance are prosperous and/or semi-rural localities, which operate as a commuter belt for London and where additional housing supply is most acutely required. It could be argued that these are exactly the authorities that the more rigorous five-year supply requirements in the NPPF are targeted at. Our research confirmed that the vast majority of authorities in the North East had a 'positive planning' stance (Bramley and Watkins, 2014) and were striving to meet central government aspirations by targeting growth and higher housing targets than under the previous regional system (see McGuinness and Mawson, 2017). Our analysis suggests that perversely these are the authorities that are most often penalised by the more rigorous five-year supply requirements in the NPPF. Furthermore, simply because land has been designated for housing, and has planning consent, does not guarantee that new homes will be built. Ultimately, the decision

to build is reliant on the business models of a small number of major national housing developers (see below) who operate a drip feed approach to housing supply. The planning system can only facilitate housebuilding it does not put spades in the ground.

Housing affordability

The UK housing market is characterised by weak responsiveness of housing supply to demand change and spatially varied levels of supply and demand (Dixon and Adams, 2008; Hinks et al., 2013). England has a tangible spatial mismatch between the agglomeration of people and jobs (growth areas) and the distribution of available and vacant housing (declining areas). Recent history suggests that private sector housebuilders will only build around 150,000 residential units per annum and in terms of housing affordability, English housing markets have become increasingly polarised, both nationally and subregionally. The National Housing Federation (2017) states London has the highest average house price in England (£563,000) approaching quadruple that of the comparable figure in the North East (£153,000). **[AQ5]** In 2014, the average home in England cost circa eight times the average salary (Lyons Review, 2014), since when the average salary has increased marginally to approximately £27,680 (NHF, 2017); however, in central London markets,⁸ the salary multiplier required to afford the average house is surging beyond 15 times the average salary (see Figure 1). Many commentators have described this situation as completely unsustainable (IPPR, 2017; Localis, 2017; Lyons, 2014; Shelter and KPMG, 2014).

Dominance of volume housebuilders in England

Ultimately, Government and the public sector has limited influence over the

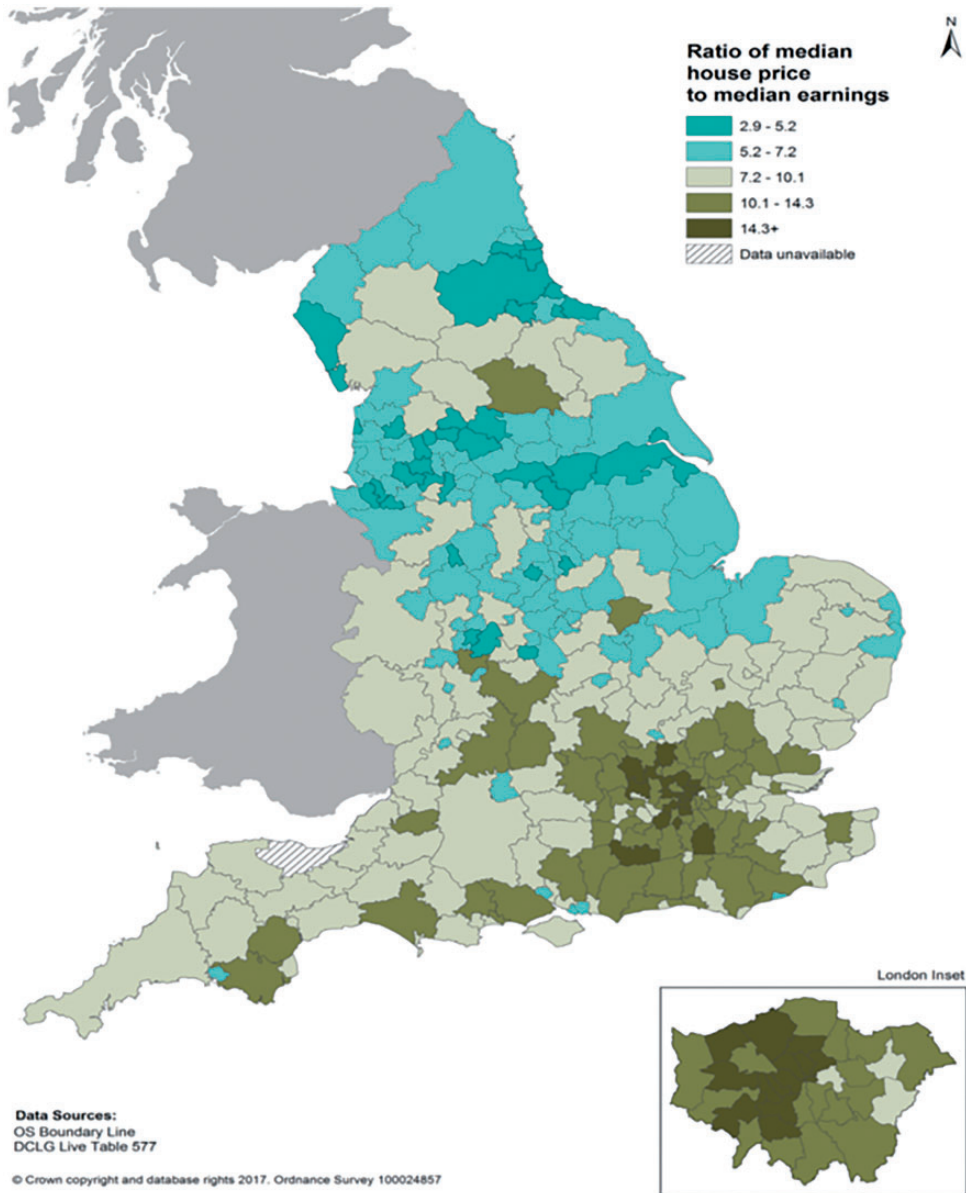


Figure 1. Ratio of median house prices to median earnings. Source: DCLG (2017).

supply of housing in England, which is increasingly determined by a few large private sector (volume) housing developers (IPPR, 2017; Lyons, 2014) (see Figure 2). The Home Builders Federation reports that since 1992 the number of small

housebuilders in the UK has declined by 80%.⁹ In terms of output, Archer and Cole (2014) state, that in 1960, the top ten national housebuilders accounted for approximately 9% of all new housing production; the latest figures in the Housing

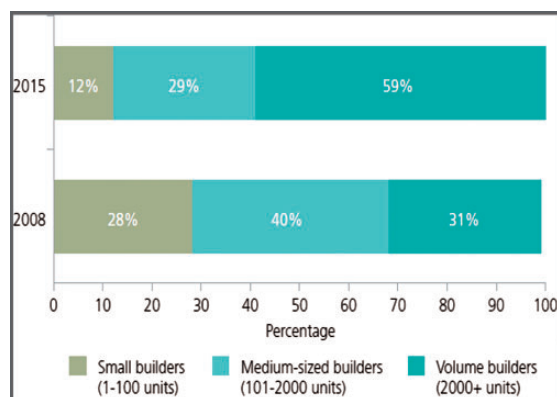


Figure 2. Market share by housebuilder size. Source: DCLG (2017). [AQ18]

White Paper (DCLG, 2017) state that 60% of new private homes in Britain are built by the top ten national developers (see Figure 2).

There is no incentive for volume housebuilders, operating a ‘Return On Costs’ (ROC) business model, to increase the supply of new housing units, if it saturates the market, reducing house prices and returns or profit. This view was substantiated by the CLG Select Committee in its report on *Capacity in the homebuilding industry* (HoCCLGC, 2017: 8) which states,

The high volume homebuilders dominate the market and are therefore able to shape how it operates. Having purchased land at a given price ... they will not risk over-saturating a local market to the extent that house prices will fall and their profits decrease. This is rational commercial behaviour ... when developers say they build to meet demand, what they mean is that they build to meet demand at a certain price.

Consequently, most volume housebuilders tacitly tolerate restrictive planning because it creates scarcity and inflates market values, underpinned by ‘drip-feed’ or ‘trickle-out’ approach to supplying the market in

order to maintain prices (see Adams and Leishman, 2008; Cochrane et al., 2015; Diacon et al., 2011).

Archer and Cole (2014: 108) state, ‘The big beast just grows bigger, rationalisation and risk aversion prevails, public subsidy is mis-directed and developers show little interest in sharply increasing output to meet public policy objectives’.

Payne (2013) concludes that major housebuilders in England are inherently conservative and housebuilding rates in England remain historically low, as policies devised to increase housebuilding have, seemingly, been conceived without an understanding of the behavioural practices of speculative housebuilders. There is growing political concern over the ‘big beasts’ alleged monopolisation (via land banking) of development land which excludes smaller developers who may be prepared to expedite development of land (Cochrane et al., 2015; DCLG, 2017). The Housing White Paper (DCLG, 2017) acknowledges this issue and suggests that the largest housebuilders should commit to publishing aggregate figures on build out rates. [AQ6] However, there are divergent views in terms of alleged land banking by major housebuilders and the Callcut Review (2004: 37) contends there are sound

commercial reasons for housebuilders accumulating a sizeable land bank, as they need: ‘...to assure their investors that their land banks are sufficient to cover their needs in the short to medium term; otherwise, the investors would see the companies as being “at risk” and ... depress the share price’.

LPAs not providing planning consent on enough development land

The evidence outlined in this article substantiates the viewpoint that in many parts of England, in the short to medium term, land supply is not, per se, the problem in terms of housing supply (Adams and Leishman, 2008). Cochrane et al. (2015) challenged orthodox explanations of the housing crisis from major developers, contending that any simple equation between land availability and the delivery of new homes is ultimately unconvincing. Colenutt and Field (2013) analysed data from the big five housebuilders¹⁰ in the UK and found that they have short- and medium-term land banks for 518,000 units but built only 44,000 units per annum; this could be attributable to the need to assure investors that developers have sufficient land for their business needs (outline above, Callcutt, 2004). [AQ7] In terms of existing planning permissions, the Housing White Paper (DCLG, 2017: 13) reports that more than a third of new homes that were granted permission between 2010/11 and 2015/16 have yet to be built. [AQ8] However, in England it is a myth to suggest that major housebuilders are the largest holders (hoarders) of developable land; the Callcutt Review (2004) noted that 61% of land was owned by non-property companies (including the public sector). Herein lies the longer term threat to housing land supply highlighted by Shelter and KPMG (2014: 37) in their report *Building the homes we need*, which exposes the growing

corrosive role of land speculators in the development process, stating,

...much developable land seems to be held out of production in the hands of owners who do not intend to develop it, but seek to make speculative profits from land trading. there is evidence that since the financial crisis hit, a growing proportion of developable land has come to be held by non-development firms.

These facts unequivocally challenge the thesis that the planning system is largely at fault for the housing crisis, as there are clearly significant issues in terms of developable land and outstanding permission, which are not (for whatever reason) being converted into homes. This evidence is irrefutable and has tacitly been acknowledged by the government in launching the Letwin Review to explore the factors that lie behind the sluggish build out rate of existing planning permissions.

An abundance of (unviable) brownfield land

Achieving a five-year supply (and an up-to-date local plan) has proved particularly problematic for peripheral Northern post-industrial areas (e.g. Stockton Borough Council) that have a legacy of vacant urban brownfield sites, formerly associated with either heavy industry or deprived social housing estates; with low demand and high levels of vacant property. Schulze Baing and Wong (2012) demonstrate a spatial correlation between the location of brownfield land and deprivation, confirming that although the supply of brownfield land is dynamic, in terms of long-term brownfield sites that are suitable for housing many of the easiest residential sites, were redeveloped during the Urban Renaissance (1997–2007). During this

period the incumbent Labour administration set a target of 60% of new housing to be developed on brownfield land, a target which was comfortably achieved, peaking in 2008 at 80%. With the development of the 'lowest hanging fruit', remaining brownfield sites often have more intractable problems, such as contamination, that require de-risking or are not of a scale to be attractive to volume housebuilders. LPAs in post-industrial Northern cities are often compelled to take a pragmatic stance on existing brownfield regeneration sites; from a social regeneration dimension LPAs cannot ignore these urban brownfield sites, but often their inclusion in potential land supply calculations is part of an ambitious attempt to meet onerous land supply targets and is *in hope* rather than expectation.

The following section reports the main findings from the empirical research, derived from analysis of responses from local authority planners and private sector housing developers active in the North of England about the challenges facing both in achieving a robust five-year housing land supply.

The impact of place-neutral planning for housing in the North East of England

Our primary research focuses on the 12 LPAs located within the North East of England, which has *the least* dynamic housing market in England, with poor development viability affecting large tracts of land with potential for housing development. The analysis explores wider questions of whether planning is actually the problem (anti-growth) or whether in some localities the real barriers are a more complex blend of intractable structural issues (relating to industrial decline, stigma, creeping dereliction), demand-side constraints around finance (mortgage availability, wage levels, savings) and the profit maximising approach of volume housebuilders. Such problems will not be addressed successfully by place-neutral planning policy that

has been predicated on paradoxical economic and market conditions prevailing in large parts of the South East. At the time of conducting the original empirical research (spring/summer 2015), only three of the 12 LPAs in the North East of England had a five-year supply and one claimed to have a '*marginal*' five-year supply. Subsequent progress has been limited, with a further two authorities having achieved a five-year supply with the adoption of their joint plan and two authorities claiming to have a '*marginal*' five-year supply by Spring 2017 (see Table 1). Our interviews with developers revealed that they are sceptical about whether *in reality* any of the LPAs in the North East have a defensible and robust five-year supply and suspect that claims by LPAs to have a five-year supply will unravel in subsequent appeals, inquiries or court rulings. Savills (2017) confirm this trend nationally by highlighting that 61 LPAs in England have had lack of five-year supply confirmed at appeal by April 2017.

The most significant barrier for LPAs in the North of England achieving a five-year supply has been the introduction of the additional 5 and 20% buffers for previous under achievement. '...the buffers have meant we are constantly playing catch up ... you are not meeting the 5 year supply on a consistent basis so you have to apply your additional 20%. It is a vicious circle...' (Planner, North East England).

The majority of respondents felt that the NPPF's approach to allocating land for housing development was unhelpful to the North because of LPAs' inability to demonstrate deliverability and a key element of that was establishing development viability. All the 12 LPAs in the North East have a broadly pro-development planning stance and want to provide new housing, principally to retain their economically active populations. Despite this pro-growth approach, there appear to be serious underlying structural problems which are restricting housing

Table 1. Status of North East LPAs with regard to five-year land supplies and up-to-date Local Plans (accurate February/March 2017). **[AQ19]**

Local planning authority (LPA)	Five-year land supply status March 2015	Five-year land supply status March 2017	Up-to-date Local Plan ¹¹ (February 2017)
Darlington Borough Council	No	No	No
Durham County Council	No	No	No
Gateshead Borough Council	No	Yes	Yes
Hartlepool Borough Council	No	No	No
Middlesbrough Council	Yes	Yes	No
Newcastle City Council	No	Yes	Yes
North Tyneside Council	No	No	No
Northumberland County Council	No	Partial/No	No
Redcar & Cleveland Council	Yes	Yes	Examined (No)
South Tyneside Council	Yes	Partial/No	No
Stockton Borough Council	No	No	No
Sunderland City Council	No	No	No
Total	3/12 (25%)	4/12 (33.3%)	2/12 (17%)

development in many parts of the post-industrial North East.

The NPPF assumes that the only reason land won't come forward is due to planning restrictions and if land isn't coming forward to meet the five year supply, the only solution is to allocate more land ... we could have allocated *every* piece of land in the borough and we still wouldn't have met the housing requirements. (Planner, North East)

This quote epitomises the viewpoint that planning and the availability of land are not the primary issue in the majority of the post-industrial north east and there appear to be deeper more structural problem in housing markets and wider local economies, which exacerbate the current problems with affordability and supply.

LPAs' views on the current context for housing development in the North East

A number of North East authorities reported 'more aggressive' approaches from

developers and there was anxiety amongst the regions' planners that if an authority does not have a five-year supply they were increasingly vulnerable to developers pursuing predatory applications (often on lucrative greenfield and green belt sites). If the LPA subsequently refuse permission on coveted housing development sites there was a bullish indication from major housing developers that they were confident of overturning the decision at appeal. A planner summed up this position, 'Given the recent appeal decision, they [house builders] think it is open season'. Another planner elaborated on a related and crucial strategic planning issue, the difficulty of providing adequate infrastructure for development in a climate of speculative development pressures, 'we would have preferred they [planning applications for significant housing] were dealt with in a more strategic manner through our local plan, to ensure the right infrastructure is in place'. There was a real concern amongst respondents that strategic planning for infrastructures is impossible to achieve in the current fragmented policy environment where a glut of planning decisions can be progressed by appeal or due to successful speculative

applications. This finding was replicated outside the North East within rural areas like the East of England where RTPI (2016: 8) research stated, 'There is real pressure coming on social infrastructure in the East of England ... this is exacerbated by small incremental development that doesn't bring associated infrastructure'. Equally issues about mortgage availability, access to deposits and land assembly were repeatedly stated by respondents: 'We have got 1500 dwellings ... that have planning permission at the moment that are not being built, because not enough people want to buy houses, people don't have money to buy, and there are not enough jobs' (Planner, North East).

One respondent succinctly captured the majority viewpoint, stating, '...the issue in the North is very much about deliverability of land, not availability of land', expanding on the issues the respondent stated:

...we had housing market renewal ... so we could legitimately say, these brownfield sites are going to come forward, we had public sector funding to drive them forward ... With the withdrawal of funding, a lot of these sites became unviable.

The dual factors of a continual period of public sector austerity and, for the first time in 40 years a complete absence of centrally funded regeneration initiatives in England (Work Foundation, 2012) combine to exacerbate problems with some brownfield sites in peripheral post-industrial cities in England. Many of the planners interviewed had identified brownfield sites within their jurisdiction that were, in current market conditions, patently unviable without an injection of public sector subsidy. This findings again corroborates national RTPI data (2016) which states, '... a 'brownfield first' policy will fail to deliver its full potential if there is insufficient available funding for the treatment and assembly of land. New proactive

remedial programmes are needed to remove constraints on development'.

In some instances, the lack of progress with brownfield sites in parts of the North East was due to heavily contaminated former industrial land and a lack of funding to assist towards remediation; in other cases, it was down to low market demand, low-end values and issues with stigma relating to the perceived quality of place within particular communities.

Developers' views on five-year housing land supplies

The majority of both major national and regional developers interviewed held a perception that the majority of the LPAs in the North do not have a defensible five-year supply. One developer reflected:

...most local authorities we ... [have come] ... across weren't able to maintain a five year supply, and it ... created an opportunity for developers to come in on former employment land and push for consent for that land to be released. (National Housing Developer)

Another respondent from the development industry concurred and questioned whether the minority of LPAs that claim to have a five-year supply could withstand legal scrutiny, pointing to the evidence of a number of recent successful appeals on the issue (see Savills, 2017). Most developers we interviewed had been involved in appeals against planning decisions based on the lack of, or suitability of the five-year supply. There is a perception that, as authorities edge towards delivering a five-year supply, there is less likelihood of appeals. Where five-year supplies are not in place there is a widespread view amongst both planners and developers that appeals are likely. However, at a macro scale for most respondents aggressive appeals were not the preferred option with

developers preferring a more collaborative (long-term) approach with LPAs where they felt ‘maintaining trust’ was in the longer term interests of their business, rather than a short-term ‘smash and grab’ approach which may sour future relations with LPAs.

The developers interviewed were generally positive about the NPPF and its ability to deliver the housing needed for the North East, although there was a tendency for them to see housing need purely in terms of expressed market demand. Typical of comments reflecting this view was, ‘...it is not the theoretical allocation of sites which makes up the local authority’s land bank, it is actually sites that are attractive to the market, which are viable and will be built’. Developers were confident a gap exists in the five-year supply identified by the LPAs, not because the sites do not exist, but because some of the sites identified in the five-year supplies are not viable or commercially attractive to developers.

It is our view that the five-year housing land supply requirement represents a crude centralising move by central Government, *paradoxical* in terms of localism¹² and failing to appreciate the nuanced (place based) circumstances of local housing markets. Our primary research focus is on North East England but recent RTPI (2016) research reports highlight comparable problems in other peripheral economic regions like the East Midlands and Wales, where LPAs have also struggled to achieve a five-year housing land supply. The RTPI’s (2016) research reveals that issues of viability of brownfield land and difficulty of providing a robust land supply in under-bounded cities without the co-operation of neighbouring authorities (see also Hamiduddin and Gallent, 2012) are common and recurring issues in many post-industrial urban areas across the U.K. The current Government attempted to resolve the issue of LPAs collaborating

across boundaries to meet housing need via the ‘light touch’ duty to co-operate (2011 Localism Act). The duty to co-operate has proved largely ineffective (see McGuinness and Mawson, 2017) and has recently evolved into the more formal Statements of Common Ground with the Government reserving the right to compel LPAs to collaborate on joint plans where it feels it is necessary. National research by the Planning Advisory Service (PAS), published in May 2014, two years after the publication of the NPPF, found that only 54% of LPAs had a five-year supply. The PAS (2014) study, which received responses from 289 LPAs, found stark regional disparities, with an impressive 85% of authorities in London reporting they had coverage, but only 36% of LPAs in the North East. [AQ9] More recent research by Savills (2016) suggests that 44% of local authorities outside of London still do not have a five-year housing land supply. This indicates that a place-neutral ‘one size fits all’ policy is likely to be *failing* particularly in some of the least dynamic economic regions of the England.

Conclusions: The impact of place-neutral planning policies

[AQ10] As the Barker (2004), Callcutt (2007) and Lyons (2014) Reviews all note: ‘*land is key*’ and within the English context of acute shortages of developable land in some urban growth areas (especially the prosperous South) control over land (and the parasitic activities of land speculators) is a critical issue; site assembly and infrastructure investment may also be required in order to unlock strategic development areas identified in local plans. However, the research in the article shows that housing and land markets in England exhibit strong *local* (place based) nuances which cannot be addressed by a ‘*one size fits all*’

(place neutral) national planning approach to designating land for housing development. This finding has been corroborated by national research undertaken by the RTPi (2016) which found in terms of planning and housing policy, ‘...there are regional differences and one-size-fits-all policies come with problems’. The empirical content of this paper confirms that in parts of England (e.g. North East England) planning (and the planning system) are not the pivotal problem in terms of increasing the supply of housing. Innovative new solutions and policy measures beyond deregulating planning and increasing the supply of land for housing development are required if the government is to be successful in its attempts to solve the housing crisis in all parts of England. Our research substantiates the key finding of Hildreth and Bailey (2014) of two seminal weaknesses in central state policymaking, namely that the national scale lacks a nuanced knowledge and understanding of the local scale and central government is prone to the policymaking influences of ‘capital city elites’ over other sub-national spaces.

In peripheral post-industrial areas like the North East of England, constraints on the housing market are complex and contributing issues include availability of development finance, mortgage finance, wider land viability issues, a surplus of former industrial brownfield sites, a related lack of government subsidies to remediate unviable brownfield sites and corrosive negative place-based stigma. A place-neutral, capital city-driven national planning policy calibrated to coerce (mainly southern) LPAs that have a negative planning stance is proving largely unsuitable for areas with less dynamic land and housing markets. This paper also illustrates that national planning policy is making it extremely difficult for LPAs in post-industrial communities to achieve defensible local (development) plans and without a robust local plan,

these LPAs face ceding control of shaping development in their locality to central government (via the NPPF) and predatory major national developers.

Finally, the monopolistic approach of ‘big beast’ volume housebuilders and their profit maximising (ROC) approach adds a further layer of complexity to attempts to increase housing supply throughout England – a factor that is almost completely beyond the jurisdiction of the planning system. Large developers are extremely selective about the sites that they will pursue and the speed at which they will progress development once planning permission has been achieved and they are not averse to using the appeals process to coerce LPAs into accepting speculative development on the most lucrative sites (often greenfield or green belt sites), at the expense of other less desirable regeneration (brownfield) sites that have been allocated through the plan-led system. As many reports have stated (IPPR, 2017; Lyons, 2014; Shelter and KPMG, 2014) progress with the housing crisis requires more SME developers active in the market and a return to some model of local authorities developing affordable homes (see Morphet, 2016). There have been calls from the House of Commons Treasury Select Committee (2017) to lift the local authority borrowing cap entirely so the councils can build more homes but it remains to be seen if central government has the stomach for such radical steps.

Therefore, in the short to medium term significant responsibility still lays with private sector developers to attempt to alleviate the housing crisis. Ultimately, it is clear that developers have to attend to the requirements of investors and creditors, and if land identified as part of local authority five-year supply appears to be too expensive to develop, or is likely to be unpopular with buyers, the decision on whether to progress will be based on the

economic bottom line. The Government's imposition of national aspatial, place-neutral planning policy, rather than being a centralising solution to problems of housing supply across England, is actually penalising some of the places that have the most positive stance towards development. A future revision of the NPPF should respond to these deficiencies in current national planning policy with a true localist agenda reflecting a more flexible, place-based approach to solving issues around land and housing supply.

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Notes

1. Planning is a devolved responsibility in the UK and although the basic structures of the four systems in England, Wales, Scotland and Northern Ireland are similar, there are differences in the detail and in how each system works. Therefore, for the purposes of this paper we will be focusing solely on the English system.
2. Referred to as a five-year supply from this point forward.
3. Brownfield land refers to previously developed land, the legacy of which often results in significant sunken costs involved in remediating contamination and removing dereliction.
4. In November 2017, 15 local authorities were warned that they had run out of time to prepare a local plan by the Secretary of State. Steps are being taken to remove the plan-making function from these local authorities.

5. All the planning practitioners interviewed had directed responsibility for developing a five-year housing land supply for their authority.
6. An economist and member of the Bank of England Monetary Policy Committee.
7. Former Planning and Housing Minister, Gavin Barwell MP quoted in *Planning Magazine*, October 2016.
8. The Housing White Paper (DCLG, 2017: 9) goes on to state the astonishing fact that in 21st century Britain it is no longer unusual for houses to 'earn' more than the people. For instance in 2015, the average home in the South East of England increased in value by £29,000, while the average annual salary in the region was just £24,542.
9. The Planner (RTPI), 5 November 2015, available at: www.theplanner.co.uk/news/small-developers-must-be-at-heart-of-housing-revival-say-experts?utm_source=Adestra&utm_medium=email&utm_term=.
10. The big five housebuilders – Bellway, Berkeley, Persimmon, TaylorWimpey and Barratt.
11. We classify an up-to-date Local Plan as one adopted after the publication of the NPPF (March 2012). Many of the councils studied are in the process of developing a Local Plan and some Plans are currently being examined by the Planning Inspectorate.
12. The government has proposed in the Housing White Paper (DCLG, 2017) to allow local authorities to develop one-year (annual) housing supplies but this proposal currently lacks detail so it is difficult to assess whether it will reconcile some of the existing issues with five-year supplies.

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